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ABSTRACT

These recommendations are made by a Committee of Conference to amend the Older Americans Act of 1965. The committee, composed of members of both the House of Representatives and Senate, recommends changes in the amendment proposed by the House to the Senate bill to extend the authorization of appropriations for, and to revise, the Act. (The Senate has disagreed with the amendment of the House.) Following the text of the amendment, cited as the "Older Americans Act Amendments of 1984," is a joint explanatory statement of the Committee of Conference. This statement describes the changes that could be brought about by the House and/or Senate amendment(s) to each title of the Act and then cites the Conference agreement. (YLB)

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98TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
98-1037

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OLDER AMERICANS ACT AMENDMENTS OF 1984

SEPTEMBER 19, 1984.—Ordered to be printed

Mr. HAWKINS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 2603]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (hereafter in this Act referred to as "the Act") (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Act (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to

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appropriately sustain older people in their communities and in their homes".

(b) Section 101(8) of the Act (42 U.S.C. 3001(8)) is amended by inserting before the period a comma and "with emphasis on maintaining a continuum of care for the vulnerable elderly".

(c) Section 101(10) of the Act (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

ADMINISTRATION ON AGING

SEC. 201. Section 201(a) of the Act (42 U.S.C. 3011(a)) is amended—

(1) by striking out "principal" in the second sentence,

(2) by striking out "his functions" in the second sentence and inserting in lieu thereof "the functions of the Administration",

(3) by inserting after the second sentence the following: "There shall be a direct reporting relationship between the Commissioner and the Office of the Secretary.", and

(4) by inserting "or require" after "approve" in the last sentence.

FUNCTIONS OF ADMINISTRATION ON AGING

SEC. 202. (a) Section 202(a) of the Act (42 U.S.C. 3012(a)) is amended—

(1) in clause (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(2) in clause (9) by inserting after the word "aging" a comma and "including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967",

(3) in clause (16) by striking out "and" the last time it appears,

(4) in clause (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new clause:

"(18) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(b) Section 202(b)(1) of the Act (42 U.S.C. 3012(b)(1)) is amended by inserting before the semicolon "and with utilization and quality control peer review organizations under title XI of the Social Security Act".

(c) Section 202(c) of the Act (42 U.SC. 3012(c)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Administration".

FEDERAL AGENCY CONSULTATION

SEC. 203. (a) Section 203(b)(1) of the Act (42 U.S.C. 3013(b)(1)) is amended to read as follows:

"(1) the Job Training Partnership Act,".

(b) Section 203(b)(3) of the Act (42 U.S.C. 3013(b)(3)) is amended by striking out "XVIII, XIX, and XX" and inserting in lieu thereof "XVI, XVIII, XIX, and XX".

(c) Section 203(b)(8) of the Act (42 U.S.C. 3013(b)(8)) is amended—

(1) by striking out "the community schools program under the Elementary and Secondary Education Act of 1965,", and

(2) by striking out "1965, and" and inserting in lieu thereof "1965 and".

(d) Section 203(b)(9) of the Act (42 U.S.C. 3013(b)(9)) is amended by striking out "5,".

(e) Section 203(b) of the Act (42 U.S.C. 3013(b)) is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following:

"(10) the Public Health Service Act,

"(11) the Low-Income Home Energy Assistance Act of 1981,

"(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,

"(13) the Community Services Block Grant Act, and

"(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code.".

FEDERAL COUNCIL ON THE AGING

SEC. 204. (a) Section 204(a) of the Act (42 U.S.C. 3015(a)) is amended to read as follows:

"(a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, and the general public. At least two of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

"(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).".

(b) Section 204(b)(1) of the Act (42 U.S.C. 3015(b)(1)) is amended to read as follows:

"(1)(A) The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to

as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.

"(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

"(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.".

(c)(1) Section 204(b)(2) of the Act (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(2) Section 204(c) of the Act (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(3) Section 204(d) of the Act (42 U.S.C. 3015(d)) is amended by striking out clause (2) and by redesignating clauses (3), (4), (5), and (6) as clauses (2), (3), (4), and (5), respectively.

(4) Section 204(e) of the Act (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Act (42 U.S.C. 3015(g)) is amended—

(1) by striking out $200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 205. (a) Section 205(b) of the Act (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administration".

(b) Section 205 of the Act (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later that 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 206. (a) The first sentence of section 206(b) of the Act (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Act (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(d) of the Act (42 U.S.C. 3017(d)) is amended—

(1) by inserting after "effectiveness" a comma and the following: "including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f)", and

(2) by inserting after "Congress" a comma and the following: "be disseminated to Federal, State, and local agencies and private organizations with an interest in aging,".

(d) The first sentence of section 206(g) of the Act (42 U.S.C. 3017(g)) is amended—

(1) by striking "1 per centum" and inserting in lieu thereof "one-tenth of 1 percent",

(2) by inserting after "Act" the following: "for each fiscal year", and

(3) by striking out "$1,000,000 whichever is greater" and inserting in lieu thereof "$300,000 whichever is lower".

REPORTS

SEC. 207. (a) Section 207 of the Act (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

(b) Section 207 of the Act is amended by inserting "(a)" after the section designation, and adding at the end thereof the following new subsection:

"(b) Not later than 2 years after enactment of the Older American Act Amendments of 1984, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention of the abuse of individuals is unmet, based on information gathered pursuant to section 306(a)(6)(J).".

REDUCTION OF PAPERWORK

SEC. 208. Section 211 of the Act (42 U.S.C. 3020b) is amended by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

GENERAL PROVISIONS

SEC. 301. The matter preceding clause (1) of section 301(a) of the Act (42 U.S.C. 3021(a)) is amended—

(1) by striking out "local agencies" and inserting in lieu thereof "area agencies" each time it appears,

(2) by inserting after "development" the following: "and implementation",

(3) by adding after "providers" a comma and "including voluntary organizations,", and

(4) by striking "for the provision of" after the word "planning".

DEFINITIONS

SEC. 302. Section 302 of the Act (42 U.S.C. 3022) is amended—

(1) in paragraph (2)(B)—

(A) by inserting after "employs" a comma and the following: "where feasible,", and

(B) by inserting after "staff" the following: "to assess the needs and capacities of older individuals,",

(2) in paragraph (4) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(3) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

(4) by adding at the end thereof the following new paragraphs:

"(10) The term 'older individual' means any individual who is 60 years of age or older.

"(11) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health, social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

"(12) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987,".

(b) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987,".

(c) Section 303(c)(2) of the Act is amended by striking out "legal services" and inserting in lieu thereof "legal assistance".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Act (42 U.S.C. 3024(a)) is amended—

(1) by striking out "From" in paragraph (1) and by inserting in lieu thereof "Subject to paragraph (2), from",

(2) by striking out "under parts B and C" in paragraph (1) and inserting in lieu thereof "under section 303",

(3) in paragraph (1) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(4) by striking out "(C)" and inserting in lieu thereof "and (C)",

(5) by striking out "; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978" in paragraph (1),

(6) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner",

(7) by redesignating paragraph (2) as paragraph (3), and

(8) by inserting after paragraph (1) the following:

"(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1984.".

(b) Section 304(b) of the Act (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Act (42 U.S.C. 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(D)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 304(d)(1) of the Act (42 U.S.C. 3024(d)(1)) is amended—

(1) by inserting in the matter preceding clause (A) after "allotment" a comma and the following: "after the application of section 308(b)",

(2) by striking out "and" at the end of clause (B),

(3) by redesignating clause (C) as clause (D), and

(4) by inserting after clause (B), the following new clause:

"(C) after September 30, 1986, such amount as the State agency determines to be adequate, out not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 307(f) shall be available for conducting such projects; and".

ORGANIZATION

SEC. 305. (a)(1) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)) is amended by striking out "(b)(5)" and inserting in lieu thereof "(b)(5)(A)".

(2) Section 305(a)(2)(E) of the Act (42 U.S.C. 3025(a)(2)(E)) is amended by inserting ", with particular attention to low-income minority individuals," after "social needs".

(b)(1) Section 305(b)(3) of the Act (42 U.S.C. 3025(b)(3)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(2) Section 305 (b)(5) of the Act (42 U.S.C. 3025(b)(5)) is amended by inserting "(A)" after the paragraph designation, and by adding at the end thereof the following new subparagraph:

"(B) Whenever a State agency designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right of first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.".

(c) Section 305 of the Act (42 U.S.C. 3025) is amended by adding at the end thereof the following new subsection:

"(d)(1) The publication for review and comment required by clause (2)(C) of subsection (a) shall include—

"(A) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

"(B) a numerical statement of the actual funding formula to be used,

"(C) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

"(D) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

"(2) For purposes of clause (2)(E) of subsection (a) and paragraph (1) of this subsection, the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently.".

AREA PLANS

SEC. 306. (a) Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended—

(1) in clause (1) by inserting after "area", the third time it appears, "and the efforts of voluntary organizations in the community",

(2) in clause (2)—

(A) by inserting "each of the following categories of services" after "the delivery of" in the matter preceding subclause (A),

(B) by striking out "and" the last time it appears in the parenthetical phrase in subclause (B), and by inserting

after "maintenance" a comma and the following: "and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type",

(C) by amending subclause (C) to read as follows:

"(C) legal assistance;", and

(D) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(3) in clause (3) by striking out "to encourage the maximum collocation and coordination of services for older individuals, and give" and inserting in lieu thereof a comma and the following: "giving",

(4) in clause (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(5) in clause (6)—

(A) by striking out subclause (F),

(B) in subclause (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subclause (I) by striking out the period at the end thereof and inserting in lieu thereof a semicolon,

(D) by redesignating subclauses (G), (H), and (I) as subclauses (F), (G), and (H), respectively, and

(E) by adding at the end thereof the following:

"(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered case management systems as a component of such services;

"(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet; and

"(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

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(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended—

(1) by inserting "(1)" after the subsection designation, and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

"(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).".

STATE PLANS

SEC. 307. (a) Section 307(a) of the Act (42 U.S.C. 3027(a)) is amended—

(1) in clause (3)(A) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(2) in clause (10)—

(A) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,", and

(B) by inserting before the semicolon a comma and "or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging",

(3) in clause (12)—

(A) by striking out "which is not" the first place it appears in subclause (A) and inserting in lieu thereof ", other than an agency or organization which is",

(B) by striking out "not" the second place it appears in subclause (A),

(C) by striking out "will—" in subclause (A) and inserting in lieu thereof "provides an individual who will, on a full-time basis—",

(D) by inserting "staff and" after "training" in subclause (A)(iv),

(E) in subclause (C) by striking out "and" at the end thereof,

(F) in subclause (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(G) by adding at the end thereof the following new subclause:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(4) in clause (13)—

(A) by striking out "subparagraph (H)" in subclause (B) and inserting in lieu thereof "subclause (H)",

(B) by striking out "charge participating individuals" in subclause (C)(i), and inserting in lieu thereof "solicit voluntary contributions", and

(C) by striking out "charges" in subclause (C)(ii) and inserting in lieu thereof "voluntary contributions",

(5) in clause (15) by striking out "legal services" each place it appears and inserting in lieu thereof "legal assistance",

(6) by amending clause (15)(B) to read as follows:

"(B) the plan contains assurance that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency makes a finding, after assessment, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;",

(7) in clause (17)(B)(ii) by striking out the period at the end of such section and inserting in lieu thereof a semicolon and "and",

(8) in clause (18) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(9) by redesignating clauses (16), (17), and (18) as clauses (19), (20), and (21), respectively, and

(10) by inserting after clause (15) the following new clauses:

"(16) provide that whenever the State desires to provide for services for the prevention of abuse of older individuals—

"(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent abuse of older individuals;

"(ii) receipt of reports of abuse of older individuals;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

"(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in this clause by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency;

"(17) provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act;

"(18) provide asssurances that each State will assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State;".

(b) Section 307(b)(1) of the Act (42 U.S.C. 3027(b)(1)) is amended by striking out "be" and inserting in lieu thereof "the Commissioner".

(c) Section 307(d) of the Act (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Act (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

(e) Section 307 of the Act (42 U.S.C. 3027) is amended by adding at the end thereof the following new subsection:

"(f)(1) From amounts made available under section 304(d)(1)(C) after September 30, 1986, each State shall provide for the establishment of at least one demonstration project for health and nutrition education to be conducted by one or more area agencies on aging within the State based on the information and materials disseminated under section 704(d)(2).

"(2) Each such project shall—

"(A) be administered by the area agency for the purpose of improving the health and nutrition of older individuals served by the agency;

"(B) be established and administered in consultation with an appropriate gerontology center;

"(C) be designed to improve the health and nutrition of older individuals through increasing their physical fitness activities and improving the nutritional value of means in their own daily living habits;

"(D) if appropriate, be conducted in conjunction with schools of public health, schools of medicine, public health and social service agencies, private voluntary organizations, or other entities concerned with the health and well-being of older individuals; and

"(E) be evaluated and the evaluation shall be submitted prior to October 1, 1987, together with such interim reports as the Commissioner may reasonably require.".

ADMINISTRATION OF STATE PLANS

SEC. 308. (a) Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended—

(1) in paragraph (1) by striking out "Amounts appropriated under section 303" and inserting in lieu thereof "Amounts available to States under subsection (b)(1)", and

(2) in paragraph (2) by striking out "received by a State under this section" and inserting in lieu thereof "available to a State under subsection (b)(1)".

(b) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended—

(1) in the first sentence of paragraph (2)(A) by striking out "Any" and inserting in lieu thereof "If the aggregate amount appropriated under section 303 for a fiscal year does not exceed $800,000,000, then any",

(2) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner",

(3) in paragraph (6)—

(A) by inserting "(A)" after "(6)",

(B) by inserting "and except as provided in subparagraph (B)" after "provisions of this title", and

(C) by adding at the end thereof the following new subparagraph:

"(B) Of the funds received under section 303, a State may elect to transfer under subparagraph (A)—

"(i) not more than 27 percent of the funds appropriated for fiscal year 1985;

"(ii) not more than 29 percent of the funds appropriated for fiscal year 1986; and

"(iii) not more than 30 percent of the funds appropriated for fiscal year 1987.",

(4) by striking out paragraphs (3) and (4),

(5) by redesignating paragraphs (2), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(6) by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(1)(A) If for any fiscal year the aggregate amount appropriated under section 303 does not exceed $800,000,000, then—

"(i) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or $300,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $75,000;

shall be available to such State to carry out the purposes of this section.

"(2)(A) If for any fiscal year the aggregate amount appropriated under section 303 exceeds $800,000,000, then—

"(i) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or $500,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $100,000;

shall be available to such State to carry out the purposes of this section.".

TECHNICAL AMENDMENT

SEC. 309. (a) Section 309(a) of the Act (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(b) Section 309(b)(2) of the Act (42 U.S.C. 3029(b)(2)) is amended by striking out "section 304(d)(1)(B)" and inserting in lieu thereof "section 304(d)(1)(D)".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) Section 311(a)(4) of the Act (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b)(1) Section 311 of the Act (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as subsection (c)(1).

(2) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended—

(A) by striking out "$93,200,000" and all that follows through "1983, and",

(B) by inserting "$120,800,000 for fiscal year 1985, $125,900,000 for fiscal year 1986, and $132,000,000 for fiscal year 1987," after "1984,", and

(C) by striking out "1981" and inserting in lieu thereof "1983".

(3) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended by inserting "(A)" after "(1)" and by adding at the end thereof the following new subparagraph:

"(B) Effective on the first day of the first month beginning after the date of enactment of the Older Americans Act Amendments of 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.".

(4) Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)), as so redesignated, is amended by striking out "appropriation" and inserting in lieu thereof "appropriations".

AUDIT

SEC. 311. (a) Section 313 of the Act (42 U.S.C. 3030c) is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this Act or a payment made for such services.".

SUPPORTIVE SERVICES

SEC. 312. (a) Section 321(a) of the Act (42 U.S.C. 3030d(a)) is amended—

(1) by striking out clause (5) and inserting in lieu thereof the following:

"(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;";

(2) in clause (6)—

(A) by striking out "legal services" and inserting in lieu thereof "legal assistance", and

(B) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage";

(3) in clause (8) by striking out "illness" and inserting in lieu thereof "illnesses";

(4) in clause (14) by striking out "or" at the end thereof;

(5) by redesignating clause (15) as clause (19); and

(6) by inserting after clause (14) the following new clauses:

"(15) services for the prevention of abuse of older individuals in accordance with clause (16) of section 307 (a);

"(16) inservice training and State leadership for legal assistance activities;

"(17) health and nutrition education services;

"(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Act (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out all that follows "centers" and inserting in lieu thereof a period, and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

GENERAL PURPOSE AND ADMINISTRATION

SEC. 401. Title IV of the Act (42 U.S.C. 3031–3037a) is amended by inserting after the title designation the following new section:

"STATEMENT OF PURPOSE

"SEC. 401. It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older

individuals, and to help meet the needs for trained personnel in the field of aging through—

"(1) placing priority on the education and training of personnel to work with and on behalf of older individuals;

"(2) research and development of effective practices in the field of aging;

"(3) demonstration projects directly related to the field of aging; and

"(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

"ADMINISTRATION

"SEC. 402. (a) In order to carry out the provisions of this title effectively, the Commissioner shall administer this title through the Administration on Aging.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, and such other agencies and departments of the Federal Government as may be appropriate.".

EDUCATION AND TRAINING

SEC. 402. Title IV of the Act (42 U.S.C. 3031–3037a) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 403. Section 411 of the Act (42 U.S.C. 3031) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of

higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

"(b) To achieve the purpose of this title, the Administration on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 404. Section 412 of the Act (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

"(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 405. Title IV of the Act (42 U.S.C. 3031-3037a) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 406. Section 421 of the Act (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.",

(2) by adding at the end of subsection (a), as so redesignated, the following: "Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.", and

(3) by adding at the end thereof the following new subsections:

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for the purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 407. (a) Section 422(a) of the Act (42 U.S.C. 3035a(a)) is amended by striking out "elderly. Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Act (42 U.S.C. 3035a(b)) is amended—

(1) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) as clauses (2), (3), (4), (5), (6), (7), and (8), respectively;

(2) by inserting before clause (2) (as redesignated by this subsection) the following new clause:

"(1) meet the supportive services needs of elderly victims of Alzheimers' disease and other neurological and organic brain disorders of the Alzheimers' type and their families, including—

"(A) home health care for such victims;

"(B) adult day health care for such victims; and

"(C) homemaker aides, transportation, and inhome respite care for the families, particularly spouses, of such victims;"; and

(3) in clauses (2)(D)(i) (as redsignated by this subsection) by striking out "clause (C)" and inserting in lieu thereof "subclause (C)".

(c) Section 422 of the Act (42 U.S.C. 3035a) is amended by adding at the end thereof the following new subsection:

"(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

"(2) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.".

LONG-TERM CARE SPECIAL PROJECTS

SEC. 408. Section 423(b)(3) of the Act (42 U.S.C. 3035b(b)(3)) is amended by inserting "(A)" after the paragraph designation and by adding at the end thereof the following subparagraph:

"(B) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of information regarding the development of such services.".

DEMONSTRATION PROJECTS ON LEGAL ASSISTANCE

SEC. 409. Section 424 of the Act (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.".

TECHNICAL AMENDMENTS

SEC. 410. (a) Section 425 of the Act (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425.".

(b) Section 426 of the Act (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 411. (a) Section 431(a) of the Act (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Act (42 U.S.C. 3037(b)) is amended—

(1) in clause (1) by striking out "or" at the end thereof,

(2) in clause (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new clause:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.".

TECHNICAL AMENDMENT

SEC. 412. Section 432(a) of the Act (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 413. The Act (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 501. (a) Section 502(b)(1) of the Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.".

(b) Section 502(c) of the Act (42 U.S.C. 3056(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than—

"(A) 13.5 percent for fiscal year 1986, and

"(B) 12 percent for fiscal year 1987, and thereafter,

shall be available for paying the costs of administration for such project, except that whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based upon information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

ADMINISTRATION

SEC. 502. Section 503(b) of the Act (42 U.S.C. 3056a(b)) is amended to read as follows:

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the Vocational Education Act of 1984. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984.".

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 503. (a) Section 506(a)(3) of the Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(b) Section 506 of the Act (42 U.S.C. 3056d) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.".

(c) Section 507(2) of the Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 504. Section 508(a) of the Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987",

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500", and

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (2)".

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 505. The Secretary of Labor shall conduct a study to identify additional mechanisms, supplementing the existing program under the Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Act (42 U.S.C. 3057a(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. (a) Section 604(a)(8) of the Act (42 U.S.C. 3057c(a)(8)) is amended by striking out "paragraph" and inserting in lieu thereof "clause".

(b) Section 604(d) of the Act (42 U.S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Act (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Act (42 U.S.C. 3057g) is amended by striking out subsection (c).

TITLE VII—PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 761. The Act (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seem to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military) expenditures, and as our population ages the percentage of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other age group and are therefore more likely to be exposed to two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Administration on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Administration on Aging, shall make grants and enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to replication in multipurpose senior centers, as well as other sites convenient to older individuals;

"(B) will provide for consultation with and utilization of multipurpose senior centers established under section 321(b)(1) with regard to the provision of services to meet the specific needs of older individuals;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of components appropriate for uniform, standardized use relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance,

hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide health education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) with regard to the provision of services, will be designed in consultation with each area agency on aging located in the geographic area to be served by such project with specific attention to State and area agency replication under section 307(f);

"(M) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(N) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(O) will implement health education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall—

"(A) give priority to grants and contracts smaller than $150,000; and

"(B) to the extent practicable, ensure an equitable geographic distribution in the awarding of such grants or contracts, in-

cluding an appropriate consideration of both urban and rural needs.

"(d)(1) The Secretary shall prepare and submit to the Congress, not later than October 1, 1985, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects.

"(2) Not later than October 1, 1986, the Secretary shall prepare and disseminate, through the Commissioner, to State agencies on aging information and materials relating to projects conducted under this title, including uniform, standardized components of a program of health and nutrition education.

"(3) The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such finding and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) Except as provided in section 704(d), the Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

SEC. 802. (a) Section 11(f) of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new sentence: "the term 'employee' includes any individual who is a citizen of the United States employed by an employer in a workplace in a foreign country.".

(b)(1) Section 4(f)(1) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the semicolon a comma and the following: "or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located".

(2) Section 4 of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new subsection:

"(g)(1) If an employer controls a corporation whose place of incorporation is in a foreign country, any practice by such corporation prohibited under this section shall be presumed to be such practice by such employer.

"(2) The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer.

"(3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the—

"(A) interrelation of operations,

"(B) common management,

"(C) centralized control of labor relations, and

"(D) common ownership or financial control, of the employer and the corporation.".

(c)(1) Section 12(c)(1) of the Age Discrimination Employment Act of 1967 is amended by striking out "$27,000" and inserting in lieu thereof "$44,000".

(2) The amendment made by paragraph (1) of this subsection shall not apply with respect to any individual who retires, or is compelled to retire, before the date of the enactment of this Act.

EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect 60 days after the date of the enactment of this Act.

(2) The amendment made by section 206(d) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 411(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

(4) The amendment made by section 701 shall take effect on October 1, 1984.

And the House agree to the same.

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
IKE ANDREWS,
GEO. MILLER,
BALTASAR CORRADA,
PAT WILLIAMS,
MAJOR R. OWENS,
D. E. ECKART,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
ROD CHANDLER,
Managers on the Part of the House.

ORRIN G. HATCH,
CHUCK GRASSLEY,
JEREMIAH DENTON,
STROM THURMOND,
EDWARD M. KENNEDY,
TOM EAGLETON,
CLAIBORNE PELL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

TITLE I—DECLARATION OF OBJECTIVES

The House amendment amends Section 101(4) of the Act to include specifically the provision of community-based long-term care as an objective of the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill amends the objective in Section 101(8) of the Act of assisting older individuals secure efficient community services to include emphasis on maintaining a continuum of care for the vulnerable elderly.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment expands the objectives of the Act to include participation of older individuals in the planning and operation of community-based services.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

The House amendment creates an Office on Aging to be headed by a Commissioner on Aging directly responsible to the Secretary, and makes a series of conforming amendments.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with an amendment retaining the Administration on Aging, specifying the direct reporting requirement as provided in the House amendment and prohibiting the Secretary from delegating any of the functions of the Commissioner. Since 1978, the Older Americans Act has required a direct reporting relationship between the Secretary and the Commissioner on Aging. This amendment seeks to establish conclusively such a direct relationship. By the term direct, the Conferees intend that there be no intervening reporting relationship between that of the Commissioner and the Secretary. Further, under the amendment, the Secretary is strictly prohibited from delegating any of the Commissioner's responsibilities to any officer not directly responsible to the Commissioner. The Conferees wish to emphasize that the amendment would not require the establishment of separate personnel, financial management, and budget staff. Rather, the amendment assures that responsibility for federal aging policy is placed in the Administration on Aging and not in the Office of Human Development Services. Departmental support for the Administration on Aging with regard to office space, tele-

phones, computer services, and similar support services would not be affected by the amendment. The Commissioner, however, would not be answerable or have a reporting relationship to any official other than the Secretary.

The amendment is effective as of the date of enactment. This amendment supercedes any other federal statute which may be interpreted as addressing the issue of the reporting relationship.

FUNCTIONS OF COMMISSIONER

The Senate bill amends Section 202(a)(9) of the Act by adding as a duty and function of the Administration on Aging stimulating more effective use of existing legislative protections, with emphasis on application of the ADEA.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment amends Section 202(a) of the Act to require as an additional function of the AoA consultation with organizations representing minority individuals in providing training and technical assistance to state and area agencies in connection with the greatest economic or social needs.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes.

The Senate bill amends Section 202(b)(1) of the Act to require the Commissioner to develop planning linkages with peer review organizations established under Title XI of the Social Security Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

FEDERAL AGENCY CONSULTATION

The Senate bill and the House amendment correct a reference in existing law to the predecessor program of the Job Training Partnership Act. The Senate bill also expands the existing requirement for federal consultation to include Title XVI of the Social Security Act (SSI).

The House amendment has no provision with respect to SSI.

Conference agreement: House recedes.

The House amendment deletes the reference in existing law to federal coordination with the community schools program and deletes a reference to Section V of the Urban Mass Transportation Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill expands existing law's requirement for federal aging consultation by including six additional federal programs with purposes related to this Act.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment deleting the reference to veterans' programs.

With regard to the conferees agreement to delete coordination with veterans programs, it is done with the understanding that what the Senate provision sought to accomplish is already being undertaken. In the Senate subcommittee hearing on reauthorization of the Older Americans Act, it heard statements from the VA

and other interested federal agencies, a variety of interested veterans organizations as well as the scientific community concerned with the problems of the aging. At that time it was the consensus of the subcommittee that all interested parties were agreed that ongoing coordination among and between all federal agencies responsible for implementing programs for the aging would be beneficial. Consequently Section 203(b)(14) was added to the measure to assure the generally desired goal of coordination.

Recognizing that the coordination intended is designed to prevent duplication of efforts by various agencies at considerable expense to the taxpayer and the fact that this coordination is already being undertaken by the VA, the Conferees believe that the need for Section 203(b)(14) has been obviated. In its testimony before the subcommittee on October 20, 1983, the VA outlined its ongoing participation with other agencies at the federal and local level to the extent that information sharing and coordination with these agencies is critically important to the nation's responsibility and desire to effectively address the burgeoning health problems of older Americans. A few of the initiatives currently undertaken by the VA which have generated information being shared with other agencies concerned with older Americans include, but are not limited to, hospital care, outpatient care, geriatric research, extended care, nursing home care, domiciliary care, non-institutional extended care, education, and a variety of experimental treatment modes to effect health care consistent with the highest possible "quality of life" standards.

FEDERAL COUNCIL ON AGING

The Senate bill amends Section 204 of the Act by altering the requirements for the manner in which members of the Federal Council are to be appointed. The bill replaces the current requirement that all members be appointed by the President with the advice and consent of the Senate and instead requires that a portion of the members be appointed by the President, a portion by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and a portion by the Speaker of the House of Representatives. It specifies that members appointed by each appointing authority be representative of rural and urban older Americans, national organizations with an interest in aging, business, labor, minorities, and the general public, and that at least two of the members appointed by each appointing authority be older individuals. It prohibits a full-time officer or employee of the Federal Government from being appointed as a member of the Council.

The Senate bill also deletes the requirements for the length of appointment for certain members, and instead inserts the schedule for appointment of members by the President, the President pro tempore of the Senate, and the Speaker of the House. It specifies that members appointed in 1985 shall be referred to as class one members, two of whom shall be appointed by the President, two by the President pro tempore of the Senate, and one by the Speaker of the House. It further specifies that members appointed in 1986 shall be referred to as class two members, two of whom shall be

appointed by the President, one by the President pro tempore of the Senate, and two by the Speaker of the House. It further specifies that members appointed in 1987 shall be referred to as class three members, one of whom shall be appointed by the President, two by the President pro tempore of the Senate, and two by the Speaker of the House.

The Senate bill also specifies that members appointed to the Federal Council prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on the date, shall continue to serve on the Council established by this amendment until members are appointed in accordance with these amendments.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment to provide that members of the Council appointed by President pro tempore of the Senate and the Speaker of the House be made upon the recommendation of the Majority Leader and the Minority Leader.

Throughout the Act, the House amendment deletes the gender references to the Commissioner.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

ADMINISTRATION OF THE ACT

The House amendment adds a new subsection to Section 205 of the Act requiring that the Secretary shall issue regulations administering this Act in a timely fashion.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

EVALUATION

The Senate bill makes technical corrections to Section 206(b) of the Act.

The House amendment rewrites Section 206(b) to require that the Secretary develop and publish general standards for evaluation of projects funded under Title IV of the Act prior to making any awards under Title IV.

Conference agreement: Senate recedes.

The House amendment adds a new requirement with respect to evaluations of programs under the Act that the Secretary consult with organizations concerned with older individuals, including organizations representing minority individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill requires that the annual evaluation summaries be disseminated to federal, state, and local agencies and private organizations with an interest in aging, in addition to the Congress.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 206(g) by reducing the amount of funds the Secretary is authorized to use for program and project evaluations from one percent of the funds appropriated under the Act or $1 million, whichever is greater, to one-tenth of one percent or $300,000, whichever is the lesser amount.

The House amendment reduces the amount of funds the Secretary may use for evaluation purposes to one-fourth of one percent of the funds appropriated under the Act.

Conference agreement: House recedes.

REPORTS

The House amendment amends Section 207 of the Act to require that the annual report of the Commissioner be sent to the Congress and the President simultaneously.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

REDUCTION OF PAPERWORK

The House amendment amends Section 211 of the Act to require the Commissioner to make use of available uniform service definitions in gathering information necessary to administer the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PURPOSE; ADMINISTRATION

The Senate bill amends Section 301(a) by deleting existing law's references to local agencies and substituting the term "area agencies".

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 301(a) to add a reference to the implementation of comprehensive and coordinated service systems.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill adds a reference to voluntary organizations as providers of services.

The House amendment has no comparable provision.

Conference agreement: House recedes.

DEFINITIONS

The Senate bill amends Section 302(2)(B) to modify the requirement in the term "information and referral source" that the state or any public or private agency employ a specifically trained staff where such employment is feasible.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill further modifies Section 302(2)(B) to require that the staff of any state or public or private agency be trained to assess the needs and capacities of older individuals.

The House amendment has no comparable provision.

Conference agreement: House recedes.

Throughout the Act, the Senate bill changes existing law's reference to "legal services" to "legal assistance."

The House amendment has no comparable provision.

Conference agreement: House recedes. In making this change, the Conferees emphasize that there is no substantive modification to the Act, and that the amendment is intended only to eliminate any confusion that may have existed between use of the term "legal services" and Legal Services Corporation projects. Legal Service Corporation grantees would continue to remain eligible to receive funding under the Act.

Throughout the Act, the House amendment makes a technical change in the reference to the Commonwealth of the Northern Mariana Islands.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment adds a new definition for the term "older individual" as an individual who is 60 years of age or older.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill and the House amendment add a definition for the term "multipurpose senior center", with minor technical differences.

Conference agreement: House recedes.

The Senate bill defines the term "focal point".

The House amendment has no comparable provision.

Conference agreement: House recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $265,000,000 for Fiscal Year 1985, $281,695,000 for Fiscal Year 1986, and $298,033,310 for Fiscal Year 1987 for Part B supportive services.

The House amendment authorizes $386,300,000 for Fiscal Year 1985, $405,600,000 for Fiscal Year 1986, and $424,900,000 for Fiscal Year 1987 for Part B.

Conference agreement: authorizes $325,700,000 for Fiscal Year 1985, $343,700,000 for Fiscal Year 1986, and $361,500,000 for Fiscal Year 1987.

The Senate bill authorizes $338,000,000 for Fiscal Year 1985, $350,168,000 for Fiscal Year 1986, and $366,976,060 for Fiscal Year 1987 for subpart 1 of Part C, congregate nutrition.

The House amendment authorizes $383,600,000 for Fiscal Year 1985, $402,800,000 for Fiscal Year 1986, and $423,000,000 for Fiscal Year 1987 for congregate nutrition programs.

Conference agreement: authorizes $360,800,000 for Fiscal Year 1985, $376,500,000 for Fiscal Year 1986, $395,000,000 for Fiscal Year 1987.

The Senate bill authorizes $65,900,000 for Fiscal Year 1985, $68,272,400 for Fiscal Year 1986, and $71,549,475 for Fiscal Year 1987 for subpart 2 of Part C, home-delivered nutrition.

The House amendment authorizes $72,300,000 for Fiscal Year 1985, $75,800,000 for Fiscal Year 1986, and $79,600,000 for Fiscal Year 1987 for subpart 2 of Part C.

Conference agreement: authorizes $69,100,000 for Fiscal Year 1985, $72,000,000 for Fiscal Year 1986, and $75,600,000 for Fiscal Year 1987.

ALLOTMENT; FEDERAL SHARE

The Senate bill amends Section 304(d)(1) by specifying that from each state's allotment under Title III, such amount as the state determines adequate, but not more than one percent, is to be available for conducting demonstration projects in health and nutrition education under Section 307(f) as added by Section 11(g).

The House amendment contains a new Title VII to the Act, Older Americans Personal Health Education and Training Program.

Conference agreement: House recedes with an amendment making the effective date of the one percent set-aside September 1, 1986 and requiring that state projects in health and nutrition education be based on information gained under the new Title VII demonstration programs.

ORGANIZATION

The Senate bill adds specific reference to minority individuals in the requirement contained in the Act that state agencies provide assurances that preference will be given to providing services to older individuals with the greatest economic or social needs.

The House amendment contains similar language.

Conference agreement: Senate recedes.

The House amendment provides definitions for the terms "greatest economic need" and "greatest social need."

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The Senate bill specifies components to be published for review and comment with respect to each state's formula for intrastate distribution of Title III funds as required by Section 305(a)(2)(C).

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 305(b)(5) to require that whenever a state agency designates an area agency after the date of enactment of the 1984 amendments, the state agency shall give the right of first refusal for area agency designation to a unit of general purpose local government when the boundaries of the unit of government and the boundaries of the planning and service area are reasonably contiguous.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment specifying that the right of first refusal is applicable only to *new* area agency designations and clarifying that such right of first refusal is given only if the unit of general purpose local government can meet the requirements of existing law with respect to area agency designation.

The Conferees intend in this section to provide a mechanism by which units of general purpose local government can be in a more equitable position to determine the designation of any new area agency on aging which may be created within their boundaries.

The Conferees wish to assert that this provision is not intended in any way to extend this right of first refusal to any mass redesignation of area agencies on aging ordered by a state agency. The term "new" area agency on aging would not include the product of

a redesignation of an area agency on aging but rather the establishing of a totally new area agency only.

AREA PLANS

The Senate bill amends Section 306(a)(1) to include reference to the efforts of voluntary organizations under the area agency planning responsibilities.

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The House amendment requires that area plans document their compliance with the mandate that some funds be spent on each of the categories of priority services.

The Senate bill contains no comparable amendment.

Conference agreement: Senate recedes.

The Senate bill includes within the priority category of in-home services reference to supportive services for families of elderly victims of Alzheimer's disease and other neurological diseases and organic brain disorders of the Alzheimer's type.

The House amendment contains no comparable provision.

Conference agreement: House recedes.

The Senate bill creates a new category of priority services for the prevention of elder abuse.

The House amendment contains no comparable provision.

Conference agreement: House recedes with an amendment to delete services for the prevention of abuse of older individuals as a priority service, but retain it as a permissive service under Title III. The House amendment also places a new requirement on the area agencies on aging to assess the need for such services and the extent to which such need is being met within the planning and service area as part of its plan. The House amendment requires the Commissioner to report to Congress on the extent to which the need for services are unmet within two years after enactment.

The House amendment adds a requirement that minority individuals be included in the advisory council established by the area agency on aging.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment adds a new requirement that area agencies on aging make efforts to facilitate the coordination of community-based long-term care services. The House amendment makes a further requirement on area agencies to involve long-term care providers in the coordination of such long-term care services.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes with a technical amendment.

The House amendment defines for the purposes of Section 306(5)(A) the terms "greatest economic need" and "greatest social need". As used in this section, social and cultural isolation means isolation within a community resulting directly or indirectly from an individual's ethnic heritage, nationality or race.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill and the House amendment add a requirement that before an area agency request a waiver of the requirement that it spend an adequate proportion of its Part B funds on priority services, it must conduct a public hearing.

Conference agreement: House recedes with an amendment to assure that the public hearing is conducted in a timely manner.

STATE PLANS

The Senate bill clarifies that the exception to the prohibition on direct service provision by state and area agencies does apply where services are directly related to state or area agency administrative functions or where services of comparable quality can be provided more economically by the agency.

The House amendment clarifies that nutrition services are separate from supportive services.

Conference agreement: Adopts both the Senate and House provisions.

The House amendment clarifies that long-term care ombudsmen programs will not be operated by the same agencies responsible for licensing or certifying long-term care services, that training for staff as well as volunteers will be provided, and that the ombudsmen program will be administered by individuals working fulltime in that capacity.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with a technical amendment.

The House amendment adds a new subparagraph providing that the views of area agencies on aging, older individuals, and provider agencies be considered in planning and operating ombudsmen programs.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill substitutes for the term "charges" in existing law reference to "soliciting voluntary contributions" for meals.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Conferees in substituting the term "soliciting voluntary contributions" for the word "charges" do so to reaffirm the long standing policy that there shall be no direct or indirect coercion of contributions from program participants. The Conferees note with great concern reports from certain areas of the nation that efforts have been made to apply new procedures aimed at increasing contributions. Any such method which has as its motive transformation of the contribution from voluntary to involuntary is totally violative of the intent of Congress, as reflected in this legislation. The Conferees intend for the appropriate Committees in the House and Senate to conduct regular oversight in this area over the duration of the Older Americans Act Amendments of 1984.

The Senate bill amends the Act to delete current law's separate category for Legal Services Corporation grantees as eligible recipients of Title III funds, to clarify that funds for legal assistance will not be furnished unless the grantee administers a program to pro-

vide legal assistance to all older individuals with social or economic need, if the grantee is not a Corporation grantee.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment to delete the requirement that the program provide legal assistance to all individuals with social or economic need.

The Senate bill includes a new state plan requirement relating to in-service training opportunities for personnel of agencies and programs under the Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill includes a new state plan requirement relating to state leadership in developing legal assistance programs.

The House amendment has no comparable provision.

Conference agreement: House recedes.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

The Senate bill deletes requirements contained in Section 308(b)(1) with respect to allotments to states for state planning, coordination, evaluation, and administration of state plans, providing that each state shall be allotted funds on the basis of its population aged 60 or older as compared to all states. It also deletes provisions specifying minimum amounts for each state of no less than one-half of one percent of appropriations or $300,000, whichever is greater, and for territories of no less than one-fourth of one percent of appropriations or $75,000, whichever is greater. Instead, Section 12(a) would provide that from sums appropriated under Section 303 and allotted to each state, an amount not to exceed five percent of the amount appropriated for each such year or $500,000, whichever is greater, shall be available for administration of the State plan. In the case of Guam, American Samoa, the Virgin Islands, the Trust Territories of the Pacific Islands, and the Northern Mariana Islands, five percent of the amount appropriated for each such year or $200,000, whichever is greater, shall be available for administration.

The Senate bill also repeals paragraphs (2), (3), and (4) of Section 308(b) which, respectively, contain provisions on requests for additional funds by states for state administration, allotment of funds to states in an amount not less than the amount to which the state was entitled in the fiscal year ending June 30, 1975, and determination of data on the number of individuals 60 or older.

It specifies that the budget submitted under Section 1105 of Title 31, United States Code, for each fiscal year and the Appropriation Act containing appropriations made pursuant to Section 303 for each fiscal year shall separately set forth the amount available to carry out the provisions of paragraph (b)(1). Subsection (a)(3) specifies that the amendment made in section 12(a), paragraphs (1) and (2), relating to the increase in the amount available for state plan administration, shall be effective only for a fiscal year in which the amount available for state plan administration is equal to or exceeds $40 million.

The House amendment makes two technical corrections.

Conference agreement: House recedes with clarifying and technical amendments, and an amendment to reduce the minimum for the territories. The Conferees are concerned that States not be placed in the position of having to use Title III services funds for State Administration as a result of the alterations made in the mechanism for providing funding for State Administration. It is the intention of the Conferees that the Commissioner continue to make available Title IV funds for education, training and legal assistance activities to States whose allocation of Title III funds is not sufficient to hold the State harmless at the level which was available for State Administration from *all* funding sources in fiscal year 1984. The Conferees believe that States should not be required to use their Title III waiver authority in order to maintain support for State Administration.

The House amendment provides that data used in determining the formula be the most recent data of the Bureau of the Census.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The Senate bill raises the eligible percentage of funds States may transfer between Part B and Part C from 20 percent to 35 percent.

The House amendment raises such eligible percentage of transferable funds from 20 to 25 percent.

Conference agreement: Senate recedes with an amendment establishing allowable transfer authority at 27 percent in Fiscal Year 1985, 29 percent in Fiscal Year 1986, and 30 percent in Fiscal Year 1987.

AVAILABILITY OF SURPLUS COMMODITIES

The Senate bill, for the surplus commodity program, authorizes $119,500,000 for Fiscal Year 1985, $123,802,000 for Fiscal Year 1986, and $129,744,500 for Fiscal Year 1987, and such additional sums as may be necessary for each of these fiscal years to maintain the level of reimbursement for the number of meals served at Fiscal Year 1983 levels.

The House amendment authorizes $121,800,000 for Fiscal Year 1985, $127,900,000 for Fiscal Year 1986, and $134,300,000 for Fiscal Year 1987.

Conference agreement: authorize $120,800,000 for Fiscal Year 1985, $125,900,000 for Fiscal Year 1986, and $132,000,000 for Fiscal Year 1987.

The Senate bill prohibits a state from receiving reimbursement for the surplus commodity program unless the state submits final claims for reimbursement within ninety days after the last day of the quarter for which the reimbursement is claimed.

The House amendment makes a technical correction in existing law.

Conference agreement: Adopts both the Senate and House provisions.

AUDIT

The Senate bill prohibits state and area agencies from requesting data from providers which is not pertinent to a payment made pursuant to the Act.

The House amendment has no comparable provision.

Conference agreement: The House recedes with a clarifying amendment that information or data from providers can be requested when it has a bearing on services provided under the Act.

PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

The Senate bill amends the existing language with respect to services designed to avoid institutionalization to make specific reference to client assessment through case management.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment includes counseling regarding health and life insurance coverage among appropriate areas of counseling available under the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment includes among the eligible services under Title III services to mentally impaired older individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

The Senate bill amends Title IV of the Act to include a statement of purpose for the title.

The House amendment amends Title IV to provide a statement of purpose for Part A of the title.

Conference agreement: House recedes to the Senate on overall statement of purpose for the Title, and the Senate recedes to the House on the statement of purpose for Part A of the Title.

The Senate bill specifies that the Commissioner shall administer Title IV through the Administration on Aging, and that the Commissioner may request technical assistance and cooperation from other federal agencies and departments.

The House amendment has no comparable provision.

Conference agreement: House recedes.

TRAINING AND RECRUITING PERSONNEL FOR THE FIELD OF AGING

The Senate bill amends Section 411 of the Act to give priority to training activities related to supportive services for families of elderly victims of Alzheimer's disease and related disorders.

The House amendment provides for procedures for grants and contracts under the Title, with special consideration to those working with individuals suffering from Alzheimer's disease and providing family respite services for families caring for victims of Alzheimer's disease.

Conference agreement: The Senate recedes with clarifying amendments.

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

The House amendment identifies areas of emphasis for multi-disciplinary centers of gerontology, clarifies the functions of grantees

and requires that relevant data be provided to the Commissioner on activities conducted with funds under the Act.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

The House amendment sets forth a statement of purpose for Part B of Title IV.

The Senate amendment contains no comparable provision.

Conference agreement: Senate recedes.

RESEARCH AND DEVELOPMENT PROJECTS

The Senate bill adds a new requirement relating to dissemination of information on research and development projects funded under the title.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The House amendment requires that research and development project proposals include, when appropriate, a concise policy or practice implication statement.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with a clarifying amendment.

The House amendment requires that, in making funding decisions for research projects, the Commissioner approve projects which will contribute to a data base that will provide information for public policy formulation on future needs for the elderly.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

The House amendment requires that, with respect to demonstration projects, the Commissioner funds projects which test research results and implement innovative service delivery to older individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

DEMONSTRATION PROJECTS

The Senate bill requires the Commissioner to give special consideration to demonstration projects to meet the support service needs of elderly victims of Alzheimer's disease and their families including home health, adult day care, homemaker aides, transportation, and in-home respite care for families.

The House amendment has a similar requirement that consideration be given to projects that identify older individuals suffering from Alzheimer's disease and provide family respite services.

Conference agreement: House recedes with a clarifying amendment.

The Senate bill requires that the demonstration projects be developed in consultation with the appropriate long-term care gerontology center.

The House amendment has no comparable provision.

Conference agreement: House recedes with a technical amendment. The conferees intend this new provision to require consultation with the long-term care gerontology centers authorized under Section 412 of the Act.

The Senate bill requires the dissemination of information on research and development projects.

The House amendment has no comparable provision.

Conference agreement: House recedes.

SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE

The Senate bill adds a requirement that long-term care projects under Section 423 include appropriate dissemination provisions.

The House amendment has no comparable provision.

Conference agreement: House recedes.

SPECIAL DEMONSTRATION PROJECTS ON LEGAL ASSISTANCE FOR OLDER AMERICANS

The House amendment clarifies that the Commissioner is to provide legal assistance support activities to state and area agencies and to local legal assistance providers, and to provide demonstration projects on the delivery of legal assistance to older individuals with social or economic need.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with a clarifying amendment that the Commissioner enter into grants or contracts to provide a legal assistance support system by one or more grantees or contractors.

NATIONAL IMPACT ACTIVITIES

The Senate bill adds a requirement that the Commissioner shall, upon request, provide technical assistance and training for state and area agency personnel regarding the prevention, identification, and treatment of elder abuse.

The House amendment has no comparable provision.

Conference agreement: Senate recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $28,500,000 for Fiscal Year 1985, $32,955,000 for Fiscal Year 1986, and $32,052,639 for Fiscal Year 1987 for Title IV.

The House amendment authorizes $27,900,000 for Fiscal Year 1985, $29,300,000 for Fiscal Year 1986, and $30,800,000 for Fiscal Year 1987

Conference agreement: authorize $28,200,000 for Fiscal Year 1985, $29,800,000 for Fiscal Year 1986, and $31,400,000 for Fiscal Year 1987.

The House amendment provides that funds appropriated under Title IV may not be combined with funds appropriated under any other Act to make a single discretionary grant or payment.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes with an amendment which allows combining of such funds if the funds can be separately identified and are used for the purpose of Title IV of the Act.

PAYMENTS OF GRANTS

The House amendment adds a new section to Title IV clarifying the Commissioner's responsibility for grants and contracts under the Title and requiring that the Commissioner's annual report include a detailed account of grants, contracts, and activities funded under Title IV.

The Senate has no comparable provision.

Conference agreement: Senate recedes.

By "detailed" the Conferees intend that the report required shall include the items specified in the new statutory language, as well as a brief abstract of each project or activity funded.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The House amendment deletes the gender reference in Title V to the Secretary and program participants.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

The House amendment adds a new subparagraph (o) to Section 502 of the Act requiring a written notification to persons in Title V projects clarifying allowable political activities.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

ADMINISTRATION

The Senate bill adds a new statutory cap on the percentage of administrative funds which may be used by each project at 12 percent.

The House amendment has no comparable provision.

Conference agreement: House recedes with an amendment placing an administrative cap of 13.5 percent effective July 1, 1986, and 12 percent effective July 1, 1987, with a waiver for administrative allowances of up to 15 percent if approved by the Secretary of Labor.

The Senate bill updates the provision in existing law with respect to the Secretary's authority to coordinate the Title V program with other federal programs by changing the reference to CETA to the Job Training Partnership Act.

Conference agreement: House recedes.

EQUITABLE DISTRIBUTION OF ASSISTANCE

The Senate bill adds a provision that the Secretary of Labor shall require state agencies receiving Title V funds to report on compliance with provisions regarding equitable distribution of Title V funds within each state.

The House amendment has no comparable provision.

Conference agreement: House recedes. It is the intent of the Conferees that in carrying out the provisions addressing equitable distribution of assistance under Title V, that national contractors cooperate with the States in which their projects operate, providing the necessary information to the state units on aging to facilitate preparation of the annual report to the Secretary of Labor. The Conferees intend that, to the extent practicable, locations of Title V projects, funded both by states and national organizations, shall assure equitable access to job opportunities within states. Such access should be facilitated through a coordinated effort by all entities within a state operating Title V-funded programs.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $335 million for Fiscal Year 1985, $351 million for Fiscal Year 1986, and $368,282,920 for Fiscal Year 1987.

The House amendment authorizes $331,900,000 for Fiscal Year 1985, $345,500,000 for Fiscal Year 1986, and $359,300,000 for Fiscal Year 1987. The House amendment also provides for such sums as may be necessary to provide for at least 62,500 part-time employment positions.

Conference agreement: House recedes to the Senate on the dollar authorization levels, rounding the figures to the nearest $100 million, and the Senate recedes to the House with respect to the authority to assure at least 62,500 slots.

The House amendment requires that individuals participating in Title V programs who are placed in the programs funded under Title III, IV, or VI of the Act shall be considered as placed in unsubsidized employment.

The Senate bill has no comparable provision.

Conference agreement: House recedes. The managers note with considerable concern the Department of Labor's regulation requiring project sponsors to meet a strict percentage of placement into private sector employment under Title V, and emphasize that the Department has no statutory authority to require any fixed percentage. The managers expect the Secretary of Labor to modify the present regulation to reflect this concern, and further expect that if the Department believes there should be a specific percentage requirement for unsubsidized placement, it will submit legislation for statutory change. The Department, in implementing statutory provisions encouraging transition of Title V workers into unsubsidized employment shall make every effort to exempt (or do so as a last resort) the transfer of those workers employed in programs funded by Title III of the Older Americans Act. At the same time, the managers emphasize that this concern is not intended to lessen current efforts to place Title V workers into unsubsidized employment.

It has come to the attention of the conferees that there have been shifts in subgrantees which has resulted in the disruption of local programs of community service employment for senior citizens. The conferees urge all national contractors to promote smooth transitions when shifts in subgrantees are necessary. Moreover, every effort should be made to minimize such shifts, by providing those subgrantees to be terminated with a reasonable oppor-

tunity to make changes to accommodate new demands or remedy perceived deficiencies.

STUDY OF OLDER AMERICANS COMMUNITY SERVICE PROGRAMS

The House amendment provides for a study of alternative mechanisms to increase community service opportunities.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes with an amendment to clarify that the study is designed to identify additional mechanisms to increase community service employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES ELIGIBILITY

The House amendment amends Title VI of the Act, Grants for Indian Tribes, to provide that a tribal organization may be eligible to apply for assistance if it represents at least sixty older individuals.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill authorizes $7,500,000 for Fiscal Year 1985, $7,972,500 for Fiscal Year 1986, and $8,434,905 for Fiscal Year 1987 for grants to Indian tribes.

The House amendment authorizes $7,900,000 for Fiscal Year 1985, $8,300,000 for Fiscal Year 1986, and $8,600,000 for Fiscal Year 1987.

Conference agreement: Senate recedes. The managers remain concerned that the Administration on Aging has failed to respond to the legitimate concerns of the Indian elderly in establishing a focal point position within the Administration on Aging to be coordinator of Indian programs, and thus direct the Commissioner to consult with Indian tribal representatives and seek their recommendations in filling such a position with an individual who is knowledgable about and sensitive to the unique aspects of the Indian elderly and who can effectively advocate their concerns.

TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

The House amendment creates a new Title VII of the Older Americans Act, Older Americans Personal Health Education and Training Act, establishing a demonstration program of grants to institutions of higher education with graduate programs in public health, medical sciences, psychology, nursing, social work, education, nutrition, or gerontology to design and implement demonstration health education and training programs. $8,550,000 is authorized for Fiscal Year 1985 and such sums as may be necessary for Fiscal Years 1986 and 1987.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes to the House on Title VII with amendments strengthening the role of the aging network in the design of the demonstration projects and requiring consultation with area agencies on aging and state units on aging with particu-

lar attention to implementation of health and nutrition education programs under Title III beginning Fiscal Year 1987. Where Title VII language refers to uniform and standardized components, the Conferees intend such reference apply to the form of demonstration projects developed by the Commissioner for dissemination to the states. Such uniform components would allow for ethnic, regional, climatic, dietary and cultural differences in their application. Conferees do not intend that uniform diets or rigid health maintenance practices will result from these components.

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

The House amendment amends Section 14(c) of the National School Lunch Act with a conforming amendment.

The amendment strikes a reference in the Rehabilitation Act of 1973 to the Administration on Aging, replacing it with a reference to the Office on Aging. Further, the House amendment provides that a bidder's experience in providing services to older individuals is to be included in the award of grants for nutrition services.

The Senate bill has no comparable provisions.

Conference agreement: Senate recedes with respect to the conforming amendment to the School Lunch Act and the evaluation of bidder experience. House recedes on reference to the Office on Aging.

The House amendment contains a generic provision relating to the upgrading of the Administration on Aging to an Office on Aging.

The Senate bill has no comparable provision.

Conference agreement: House recedes.

The House amendment provides that, except as provided in subsections (b) and (c), the amendments made by this Act will be effective upon enactment.

The Senate bill has no comparable effective date provision.

Conference agreement: Senate recedes.

The House bill provides that the amendment requiring the publishing of evaluation standards for grants and contracts under Title IV shall become effective sixty days after enactment.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the amendment reducing the amount available for evaluation purposes shall become effective on the first day of the first fiscal year beginning after the date of enactment.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the new Older Americans Personal Health Education and Training Act, Title VII, shall take effect on October 1, 1984.

The Senate bill contains no comparable provision.

Conference agreement: Senate recedes.

The House amendment provides that the amendment prohibiting the combining of funds under Title IV shall not apply to any grant or payment made before the date of enactment.

The Senate bill has no comparable provision.

Conference agreement: Senate recedes.

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

The Senate bill amends Section 11(f) of the ADEA by specifying that the term "employee" under the Act includes any individual who is a citizen of the United States employed by a United States employer in a workplace in a foreign country.

The Senate bill also specifies that it is not unlawful for an employer, employment agency, or labor organization to take any action prohibited by the Act when such practices involve an employee in a foreign workplace and where compliance with the ADEA would cause the employer, or a corporation controlled by the employer to violate the laws of the country in which the workplace is located.

The Senate bill further amends Section 4 by adding a new provision to specify that if an employer controls a corporation whose place of incorporation is in a foreign country, any prohibited practice by such corporation is presumed to be the practice of the employer. It would further specify that the age discrimination prohibitions do not apply in cases where the employer is a foreign person not controlled by an American employer. The determination of whether an employer controls a corporation shall be based on the interrelation of operations, common management, centralized control of labor relations, and common ownership of financial control of the employer and the corporation.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Senate bill amends Section 12(c)(1) of the ADEA by raising from $27,000 to $44,000 the annual private retirement benefit level for determination of exemption from provisions of the Act.

The Senate bill further provides that this provision does not apply to any individual who retires voluntarily or is compelled to retire before the date of enactment of this Act.

The House amendment has no comparable provision.

Conference agreement: House recedes.

The Conferees have taken the unusual step of considering these minor amendments within this reauthorization because of the lateness of the session. The Conferees do not intend this action to be viewed as a precedent for future amendments to the Age Discrimination in Employment Act as a part of the Older Americans Act reauthorization.

TITLE OF THE BILL

Titles of the separate bills passed by the Senate and the House.

Conference agreement: House recedes.

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
IKE ANDREWS,
GEO. MILLER,
BALTASAR CORRADA,
PAT WILLIAMS,
MAJOR R. OWENS,

D. E. ECKART,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
ROD CHANDLER,
Managers on the Part of the House.

ORRIN G. HATCH,
CHUCK GRASSLEY,
JEREMIAH DENTON,
STROM THURMOND,
EDWARD M. KENNEDY,
TOM EAGLETON,
CLAIBORNE PELL,
Managers on the Part of the Senate.

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